



Express Mailing Label No.: EV292459073US

Date of Deposit: February 27, 2004

ATTORNEY'S DOCKET NO: D0188.70125US00

Handwritten initials and number: 452015 6904

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cherok et al
Application No.: 09/661,623
Confirmation No.: 8712
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS
Examiner: W. Matthews
Art Unit: 3738

RECEIVED

MAR 04 2004

TECHNOLOGY CENTER R3700

MAIL STOP RCE

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application. The Applicant would like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application and invites the Examiner to review the prosecution of the co-pending application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Title of Application</u> |
|-------------------|--------------------|-----------------------------|
| 10/307,622 | December 2, 2002 | HERNIA PROSTHESIS |

PART III Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

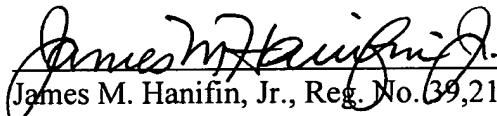
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,


James M. Hanifin, Jr., Reg. No. 39,213
Amy Mendel, Reg. No. P55,452
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel. (617) 720-3500

Date: February 27, 2004
x02/29/04